

REMARKS

Claims 1-7 and 10-21 are pending. Claims 1, 2, 10-16, 18, and 19 have been amended. Claims 8 and 9 are canceled pursuant to the election filed on September 15, 2004, in response to the restriction requirement dated August 21, 2004. New claims 20 and 21 have been added.

Rejections under 35 U.S.C. § 112

Claims 2, 3, 11, and 14 stand rejected under 35 U.S.C. § 112, second paragraph. Although Applicant submits that the term “its” clearly refers to the preceding “each cluster” and is not aware of any MPEP citation stating that pronouns are not allowed, Applicant has amended claims 2, 11, and 14 to address the Examiner’s concerns. Claim 3 was rejected due to its dependency from claim 2 and so has not been amended. As the amendments to address this rejection of claims 2, 11, and 14 were not made for purposes of patentability, but simply made a substitution for a pronoun, these amendments should not create any type of prosecution history estoppel.

With respect to the rejection of claims 1, 10, and 13 based on the phrase “can be,” Applicant submits that this phrase is clear in meaning when read in the context of the claim. For example, claim 1 recites “wherein the step of merging is repeated until no more clusters can be merged.” The preceding element recites “merging first and second singleton clusters into a third cluster if a ratio between an access pattern in terms of objects associated with each of the first and second singleton clusters and a combined access pattern associated with the third cluster (the “Access Ratio”) conforms to a predetermined threshold.” Applicant submits that, when read in context, the language “can be” clearly refers to the condition imposed in the preceding element (e.g., the “if”). Accordingly, Applicant respectfully requests that the § 112 rejection based on “can be” be withdrawn.

Rejections under 35 U.S.C. § 101

Claims 1, 10-16, 18, and 19 have been amended to address the rejection under 35 U.S.C. § 101.

Conclusion

It is respectfully submitted that all the claims in the application are in condition for allowance. Should the Examiner deem that any further amendment is needed to place this application in condition for allowance, the Examiner is invited to telephone the undersigned at the below listed telephone number.

Respectfully submitted,

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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on June 3, 2005.

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